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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,166

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Ronaldus Maria Aarts

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LEE, MICHAEL

ART UNIT

PAPER NUMBER

2622

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,166	<b>Applicant(s)</b> AARTS ET AL.	
	<b>Examiner</b> M. Lee	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12, 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The specification of the disclosure is objected to because the sentence in page 6, lines 13-14 is incomplete. Correction is required.
2. The abstract submitted on 4/7/10 is not related to current application.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ono (7,119,851).

Regarding claim 1, Ono discloses a real-time rendering step (16, 18, 20), a non real-time rendering step (32, 34, 36), and a multiplexing step (22). The video data stream includes both non-contiguous and contiguous segments. The harddrive storage HDD 30 stores video signal from source 14. The stored video data can be retrieved and reproduced by pressing one of the control buttons on remote control as shown in Figure 2. For instance, if fast forward button 90 is pressed, the video data would be retrieved

in a faster manner than it normally would. Thus, as shown in Figure 6C, the video HDD can have a faster frame rate than the CH6 video when the fast forward button is pressed.

Regarding claims 2-4, see Figures 6A-6C.

Regarding claim 10, Ono includes an audio signal.

Regarding claim 11, see rejections above.

Regarding claim 12, Ono's apparatus is rendered by a computer program (note Figures 4 and 5).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 8, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (7,119,851).

Regarding claims 5, 6, 8, 9, and 14, Ono does not disclose the bar providing step and the bar indicating step as claimed. The Examiner takes Official Notice that using a bar graph to meter a measurement is well known in the art. For instance, conventional software multimedia recorders and players use bar graphs, such as time scales and playback directions, to indicate the instant position and direction of the playback or

recording operation. These graph indicators enable the user to recognize and identify a system operation status visually and instantaneously, which translates efficiency.

Hence, in order to further to enhance the system of Ono, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to include the well known time scale bar graphs into Ono to perform the well known function as claimed.

### ***Response to Arguments***

7. Applicant's arguments filed 4/7/10 have been fully considered but they are not persuasive.

Regarding applicant arguments that there is no disclosure or suggestion by Ono of two rendered streams where one is provided at a rate that is greater than the rate of the other stream, and at a rate that is greater than real-time...Ono is directed to display a first and a second images in real-time, or stopped--not at a rate greater than real-time, the Examiner disagrees. On the contrary, the video signal stored in the HDD 30 in Ono can be fast forwarded by the control of remote controller 52. In Figure 2, Ono shows the remote controller 52 with fast forward control key 90. The fast forward operation enables the video signal produced at a rate greater than the rate that it normally would produce at a real time. Ono further shows that the HDD video and the real time television video is synthesized into a video image as illustrated in Figure 6a. In the video image, if the fast forward key 90 is pressed, the HDD video would produce a video at a rate greater than the real time television video 6CH. Since Ono is fully capable to produce the two different rate video streams, it clearly meets the claimed invention. As a result, the office rejection is maintained.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. Lee/  
Primary Examiner  
Art Unit 2622